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REMARKS

Claims 1-35 are currently pending in the subject application and claims 1-4 and 7-25 are presently under consideration. A version of all pending claims is found at pages 2-8. Applicant's representative notes with appreciation the indication that the rejections of claims 20 and 24 under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §101, have been withdrawn in view of applicant's amendment. Claims 5-6 and 26-35, being drawn to an invention non-elected with traverse and withdrawn in the Reply to Restriction Requirement Mailed September 24, 2003, have been cancelled herein on the suggestion of the Examiner, and further in view of MPEP §821.01. Favorable consideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-4, 7-13 and 15-25 Under 35 U.S.C. §102(e)

Claims 1-4, 7-13, 15-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Boehm *et al.* (US 6,457,170). Withdrawal of this rejection is respectfully requested for at least the following reason. Boehm *et al.* fails to teach or suggest all the limitations set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The invention as claimed relates to a system and method for managing the distribution and collection of files involved in building a software system. In particular, the claimed invention teaches a system that comprises a component for building a list of file names to be shared by build machines employed in building the software system, as well as a component for distributing the files to the build machines, the *files being stored persistently on the build machine*. Specifically, independent claim 1 recites: *a second*

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component for distributing to one or more of the build machines one or more published files, identified in the list of file names, that are to be stored persistently by the one or more build machines. Independent claims 15, 19, 20, 21, 24 and 25 recite a similar limitation. Thus, it is apparent that the claimed invention stores the distributed files *locally* on the build machines. Boehm *et al.* is silent regarding this novel feature of the claimed invention.

Boehm *et al.* relates to building a software system in a networked software development environment wherein *network cache memories* are pre-loaded "with as much useful information as can be ascertained from the build list." See col. 6, lines 3-4. According to Boehm *et al.*, the term *network cache memory* refers to "electronic memory 32 located on the network." See Figure 1, and col. 5, line 39-40. Thus, it is apparent that Boehm *et al.* discloses a system in which files are stored in a central repository, an electronic memory located on the network, from which build machines access information. This is in contrast to the invention as claimed, wherein the build machines store the files distributed to them locally. In view of at least the foregoing, it is readily apparent that Boehm *et al.* does not anticipate or suggest *persistently storing the distributed files on the build machines* themselves, but rather the build files are stored in a distinct network cache memory separate from the build machines. Accordingly, this rejection of the subject claims should be withdrawn.

II. Rejection of Claim 14 Under 35 U.S.C. §103(a)

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Boehm *et al.* (US 6,457,170) in view of Lubkin *et al.* (US 5,339,435). The rejection should be withdrawn for at least the following reason. Claim 14 depends from independent claim 1, and Lubkin *et al.* fails to make up for the aforementioned deficiencies presented by Boehm *et al.* with respect to independent claim 1, as discussed *supra*. Accordingly, withdrawal of this rejection and allowance of claim 14 is respectfully requested.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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